



EMPLOYMENT APPEAL TRIBUNAL

Fifth Floor, Rolls Building, 7 Rolls Buildings,
Fetter Lane, London, EC4A 1NL

Case Management Queries: 020 7 273 1041

Listing Office Queries: 020 7273 1016/1028

Facsimile : 01264 785 028

Our Reference: [REDACTED]

[REDACTED]
By EMAIL only

07 May 2026

Dear Sir,

[REDACTED] -v- 1. PayOne GmbH 2. Mr S Schrader 3. Mr A Boyens

The matter was referred to [REDACTED], [REDACTED] who directs as follows:

This appeal is awaiting listing for Rule 3(10) hearing.

By application dated 28 April 2026, the Appellant requests that the Rule 3(10) hearing be listed urgently and that it take place as a remote hearing. The Appellant's grounds for the application are set out in the form of a witness statement.

Comments have not been invited or received from the Respondents on either application but I do not consider it in accordance with the overriding objective, in all the circumstances, to delay the determination of these applications by seeking comments. I also have the benefit of some comments from the Respondent quoted in the Appellant's submissions and in correspondence, notably its letters of 09 April 2026.

Expedition

The Appellant relies on the existence of a final hearing listed in the Employment Tribunal ("ET") from 5–13 October 2026 which was remitted following an earlier, successful appeal. In short, he requests that the Employment Appeal Tribunal ("EAT") expedite the listing of the Rule 3(10) hearing such that it take place before the final hearing in the ET, which will then be able to proceed as currently listed.

The ET asked the parties to comment on the feasibility of the final hearing listing based on this Rule 3(10) application. The Respondents asked the ET for the final hearing to be vacated because of the existence of this appeal and an application for reconsideration. In part, their position is that the parties cannot properly prepare for the ET final hearing until the Rule 3(10) application has been determined.

I have considered the application by reference to section 8.3 of the EAT Practice Direction and in accordance with the overriding objective. The EAT must allocate its resources fairly between appeals and will only grant expedition if there are strong grounds for giving that appeal precedence over others.



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An EAT Judge has considered the Appellant's potential appeal and rejected it on the basis that it discloses no reasonable grounds for bringing the appeal. Whilst the Appellant is entitled to a Rule 3(10) hearing, it does not necessarily follow that any ground(s) will be permitted to proceed to a Full Hearing.

Ordinarily, the existence of ongoing proceedings in the ET is not a strong ground for expedition but the substance of this appeal is directly linked to the current issues in those underlying proceedings. The final hearing is only five months away but is a 7-day listing and I think it likely that there would be a significant delay before the ET could accommodate another such listing, were it to be vacated. I also note that this is a remitted hearing, so the parties have already spent more time in both tribunals than those in other appeals might have done.

I agree with the Respondents that there is no realistic chance of determining a full appeal sufficiently quickly that the parties could still prepare for the final hearing on its current timetable. I do, however, think that it should be possible for the Rule 3(10) application alone to be determined quickly enough to preserve the ET listing.

I contacted the EAT listings department to ask whether that would be feasible. The only available date which might leave the parties with sufficient time after the Rule 3(10) hearing to prepare for the final hearing is [REDACTED].

In all the circumstances, I do narrowly consider there to be strong grounds for expedition and I am minded to recommend this Rule 3(10) hearing for urgent listing before 05 October 2026. The application is therefore granted, subject to the EAT's capacity and judicial availability.

Within 7 days of the date of this letter, the Appellant must confirm in writing to the EAT whether he can make himself available to attend a Rule 3(10) hearing on [REDACTED] July 2026.

If he cannot do so, unfortunately the EAT will not be able to expedite this hearing. The parties will also need to consider their positions with respect to the ET hearing in the event that the Judge hearing the Rule 3(10) application permits any ground(s) to proceed to full hearing.

It appears that the ET might have been awaiting the result of this application before determining the Respondents' application to vacate the final hearing. If that application is granted, the parties must inform the EAT of its outcome (and provide a copy of any decision sent to them by the ET) as soon as is practicable, so that the [REDACTED] hearing slot can be made available to other appeals in accordance with the overriding objective.

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In the interim, both parties should exercise their best efforts to preserve the time and resources of both tribunals. There will be three months to prepare between the Rule 3(10) and final hearings, and it might be that some case management steps can be taken in advance of the Rule 3(10) hearing. Pending the outcome of the Rule 3(10) application and/or the Respondents' application to the ET to vacate the final hearing, both parties should proceed on the assumption that the ET final hearing will take place from 05–13 October 2026 and should prepare themselves accordingly.

Remote hearing

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Yours faithfully,

[Redacted]

for Registrar